



General Assembly

February Session, 2010

Raised Bill No. 188

LCO No. 1036

01036_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT ESTABLISHING UNIFORM PROCEDURES REGARDING NEW HOME CONSTRUCTION CONTRACTOR AND HOME IMPROVEMENT CONTRACTOR AND SALESMAN RELATED COMPLAINTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2011*) (a) For purposes of this
2 section: (1) "Commissioner" means the Commissioner of Consumer
3 Protection or the commissioner's duly authorized representative, and
4 (2) "department" means the Department of Consumer Protection.

5 (b) Any person may file a written complaint with the department
6 concerning the work or practices of a person: (1) Registered as a new
7 home construction contractor pursuant to chapter 399a of the general
8 statutes, (2) registered as a home improvement contractor or salesman
9 pursuant to chapter 400 of the general statutes, or (3) who is not
10 registered pursuant to said chapters but has performed work or acted
11 in a manner that requires registration with the department pursuant to
12 said chapters.

13 (c) Not later than thirty days after receipt of a complaint made
14 pursuant to subsection (b) of this section, the commissioner shall mail

15 or electronically send a copy of such complaint to the person against
16 whom the complaint was made. Such person may respond in writing
17 to the commissioner not later than sixty days after receipt of such copy.

18 (d) The commissioner shall screen each complaint made pursuant to
19 subsection (b) of this section and dismiss any complaint in which the
20 allegation, if substantiated, would not constitute a violation of any
21 statute or regulation of this state. Such dismissed complaints shall not
22 be posted on the department's Internet web site or otherwise made
23 available to the public, except as required pursuant to chapter 14 of the
24 general statutes.

25 (e) The commissioner shall enter all complaints that are not
26 dismissed into a database maintained by the department. Such
27 database shall contain: (1) The name of the person who is the subject of
28 the complaint, (2) the date of the complaint, (3) whether such person is
29 registered or not registered pursuant to chapter 399a or 400 of the
30 general statutes, (4) a brief description of the complaint, (5) whether
31 such person has filed a response to such complaint pursuant to
32 subsection (b) of this section, (6) a brief description of such response, if
33 applicable, including whether such person disagrees with or disputes
34 the complaint, (7) the department's disposition of such complaint,
35 including whether it has been dismissed pursuant to subsection (d) of
36 this section, has been substantiated by the commissioner, lacks
37 probable cause of a violation of a statute or regulation of this state or
38 lacks further actionable substance that could lead to any penalty
39 imposed on such person by the commissioner, (8) whether the
40 complaint has been referred to the Attorney General or any other law
41 enforcement authority for further disposition, and (9) whether the
42 complaint has been resolved by the complainant and such person, if
43 such information is known to the commissioner.

44 (f) The commissioner shall investigate each complaint in which the
45 allegation, if substantiated, would constitute a violation of a statute or
46 regulation under the jurisdiction of the department. In conducting an

47 investigation, the commissioner may seek the assistance of persons
48 from outside state service who are registered to perform the work
49 authorized pursuant to chapter 399a or 400 of the general statutes.

50 (g) The commissioner shall dismiss a complaint following an
51 investigation if the commissioner determines that such complaint is
52 not or cannot be substantiated, lacks probable cause of a violation of a
53 statute or regulation of this state, or lacks further actionable substance
54 that could lead to any penalty imposed on the contractor by the
55 commissioner. The commissioner shall remove a dismissed complaint
56 from the department's database not later than thirty days after the date
57 of dismissal. A complaint shall be removed from the department's
58 database one year after it was filed with the department if the
59 complaint has not been investigated by the commissioner. Any other
60 outstanding complaint shall be removed from the department's
61 database three years after it was filed with the department, unless the
62 complaint is being actively investigated by the commissioner,
63 prosecuted by municipal, state or federal law enforcement authorities
64 or litigated by the department or the Attorney General.

65 (h) The department shall make its complaint database available to
66 the public on the department's web site and, subject to the provisions
67 of this section, respond to public inquiries regarding persons against
68 whom complaints have been filed pursuant to subsection (b) of this
69 section.

70 (i) A complainant or person against whom a complaint has been
71 filed pursuant to subsection (b) of this section may request the
72 commissioner to amend any information contained in the department's
73 complaint database that is made available to the public. The
74 commissioner may change or amend any such information in the
75 commissioner's sole discretion.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>January 1, 2011</i>	New section
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Statement of Purpose:

To establish uniform Department of Consumer Protection new home construction contractor and home improvement contractor and salesman related complaint procedures.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]